

CABLE TELEVISION AND THE PUBLIC INTEREST

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Since passage of the Cable Communications Policy Act of 1984, the cable industry has thoroughly demonstrated its failure to serve the public interest, as measured minimally in diversity of sources. Regulating cable's monopolistic tendencies could improve rates and service, and increase the range of sources within the constraints of the commercial marketplace. However, to fulfill the promise of the First Amendment, subsidized noncommercial public spaces also need to be universal on cable services, as sites not merely of individual expression but for the practice of civic life.

Cable television is an appropriate site to raise questions of the public interest in telecommunications, because it is such a pervasive medium, because its recent record so boldly demonstrates rapid concentration of control over information, and because policy discussions about the industry are underway. In this article I propose that the public interest can be served, not only by regulatory mechanisms that check market power and enhance diversity in the commercial marketplace, but also by mechanisms that guarantee and protect electronic spaces—channels, centers, and services—exclusively for public activity. This is because the public interest is broader than that of consumers, or even protection of the individual speaker; the public has its own interests, separate from those of government or business.

Cable is now the primary delivery medium for television in a majority of American homes. Currently more than 90% of the American homes with television can receive cable, and more than 60% do receive it. The cable industry, aiming to deflect regulation, argues that cable is not nearly as important as it appears, because consumers have alternatives (newspapers, videocassettes, broadcast, and theaters) to the various elements of its communications package. But this ignores questions of accessibility, comparative cost, and consumer habits. Neither does the promise of new transmission technologies on the horizon (Pepper, 1988) change the need to deal with social and economic realities of the present.

Historically, cable policy has been hammered out among a handful of special

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interests, all of whom have invoked the public interest. The Cable Communications Policy Act of 1984 was passed with a minimum of public participation. This law, a hasty resolution to a three-year argument between the largest cable operators and the municipalities that control franchises, created a national cable policy for the first time. The law attempted to encourage the growth of cable, partly "to assure that cable communications provide, and are encouraged to provide, the widest possible diversity of information sources and services to the public" (Cable Communications Policy Act, 1984). It also attempted to balance the cablers' desire for minimal regulation and the cities' desire for accountability (Meyerson, 1985).

The cable industry grew dramatically once the law went into effect. However, even the law's modest public interest provisions—for example, leased access and public access—offered poor enforcement, and sometimes were worse than the status quo ante. Furthermore, partly because of a deregulatory Federal Communication Commission's (FCC) interpretation of Congress' mandates, partly because of sloppy language, and partly because of confusion over First Amendment rights—all of which were conditioned by the growing clout of the cable industry—the act gave even greater leeway to cable than it had originally seemed. Consumers' resulting outrage over prices and services, and municipalities' indignation over violated contracts, triggered current policy discussions in which, once again, the public interest was universally invoked but rarely represented.

The Public Sphere

The public and its interest is not the same thing as consumers and their interest, nor is it the sum total of individual opinions on the events of the day. The public is that realm of society that shares in common the consequences of private and state action, and that acts effectively in its own defense (Dewey, 1983 [1927]). For example, when citizens of a locality suffer the effects of industrial pollution and find ways to redress the problem—perhaps through a labor-parents-environmental coalition that challenges a complacent city council with alternative development proposals—they act as the public. We are all, in some aspects of our lives, members of the public. But when we cannot find each other and act on our common problems, we are members of a dangerously weak public.

The public sphere, a social realm distinct both from representative government and from economic interest (Habermas, 1989 [1962]), daily becomes a living reality in "free spaces" (Boyte & Evans, 1986), in which people both discuss and act on their conclusions. In town meetings, community groups, and nonlocal communities such as national environmental organizations working in the public interest, citizens carve out public spaces with ingenuity, against the odds, and are rarely noticed in national media.

The public sphere in American society is nearly inchoate at a rhetorical level. But when members of the public have resources to raise issues of public con-

cern, debate them among themselves and develop ways to act on them, telecommunications becomes a tool in the public's organizing of itself. Otherwise, the public's interest in television easily becomes reduced to ex-FCC commissioner Mark Fowler's view of the public interest as what the "public" (i.e., consumers) is interested in watching.

First Amendment as a Tool

The First Amendment provides an important tool for defense of the public sphere, for protecting the right of the citizenry to "understand the issues which bear upon our common life" (Meiklejohn, 1948, p. 89). Ruling in the context of broadcasting, the Supreme Court has said that the ultimate objective of the First Amendment is to create a well-informed electorate, and that the public's rights are paramount over all (*Red Lion Broadcasting Co. v. FCC*, 1969; reinforced in *Metro Broadcasting, Inc. v. FCC*, 1990).

Concern for the quality of public life has marked other judicial decisions, such as the Supreme Court's ruling supporting free and open airing of contemporary issues so that "government may be responsive to the will of the people and that changes may be obtained by lawful means . . ." (*Stromberg v. California*, 1931). It is the basis for Judge Learned Hand's celebrated statement that:

[The First Amendment] presupposes that right conclusions are more likely to be gathered out of a multitude of tongues, than through any kind of authoritative selection. To many this is, and always will be, folly; but we have staked upon it our all. (U.S. v. Associated Press, 1943, p. 372)

"A multitude of tongues" has a social utility; it is not a good in itself. What is involved is not mere data delivery, but a process in which many are involved as producers and presenters as well as receivers.

This concept has been given a shorthand definition as diversity of sources, a longstanding measure of the First Amendment in communications policy (Melody, 1990a, 1990b). Diversity's primary value is to offer ranges of viewpoints and sources on problems affecting the public sphere. In recent years, the notion that the marketplace of ideas is well-served in the commercial marketplace without regulatory protection for such diversity has become popular. However, a public without a thriving marketplace of ideas may not be educated to demand it either (Entman & Wildman, 1990).

Cable, Diversity, and the Public Interest

Cable today is hardly a thriving marketplace of ideas. There are harsh limitations on the current cable industry's ability to provide diversity of sources and viewpoints on issues of public concern, much less to be a service that fortifies civic activism. Those limitations lie in the conditions of commercial television programming, whatever the delivery vehicle, as well as the current structure of the cable industry.

Cable was once trumpeted as the "technology of abundance," a medium so expansive that no social engineering would be needed for a multitude of

tongues to flourish. But this turned out to be another instance in a longstanding tradition of blind optimism in technologies to bring about social change (Streeter, 1987; Winston, 1986; Le Duc, 1987; Sinel et al., 1990). Although cable has ushered in new formats, from CNN to Nickelodeon to Court TV, the unforgiving logic of commercial production has shaped them all, and ownership has increasingly centralized in a few hands. C-SPAN I and II function as a kind of insurance policy with legislators, and thus say nothing about the capacity of the television marketplace to function in the public interest.

Most television programming, including cable programming, is supported by advertising. Programming is designed to attract the audience for the advertising; the public interest may lie in the opposite direction, and the public as a concept is virtually erased in favor of the consumer—who is often referred to as “the public” nonetheless. The most vulnerable members of the public—the young—have been long slighted. Even with the stimulus of legislation mandating children’s programming, educational programming for children is still mostly dependent on the slim resources of public television. An issue of great public importance that commercial television never frankly addresses is its own social effect. Bill Moyers’ *The Public Mind*, which did address this issue, was on public television, and was not even carried by all public stations.

Cable’s increased channel capacity does not miraculously create new opportunities for public participation in this technology, nor even for greater diversity of sources (Le Duc, 1987; Winston, 1990). Television viewing overall has increased by only minutes a day since the wide distribution of cable, and this fact affects the available universe of advertising (Garnham, 1990, p. 158). As networks brainstorm cost-cutting measures—including “reality” programming—to lower the high costs of production, the total amount of production dollars is being spread ever more thinly. Compression technologies, multiplying the possible channels, threaten to spread the viewers out even further, to programmers’ dismay (“Filling the upcoming channel cornucopia,” 1991).

Producers know that new technologies do not bring new creative options, new voices, or new viewpoints. One study surveying 150 television producers on the options for creativity in the “new television marketplace” found several biases pushing programming away from creativity, including bottom-line strategies and horizontal and vertical integration (Blumler & Spicer, 1990).

Cable’s current industry structure also powerfully discourages diversity of sources and perspectives, and leaves virtually no opening for use of the system as a public space. A few multiple-system operators (MSOs) control the marketplace today. Currently four companies control, at a conservative estimate, 47% of all cable subscribers—a national figure that grossly underestimates often-total regional control (FCC, 1990a, Appendix G, p. 1; FCC, 1990b, Association of Independent Television Stations Comments, April 6, pp. 15–16).

With their market power, cable MSOs have militated against programming diversity, even within the limits of what advertisers want and what viewers find entertaining. Cable companies favor programs they own. They discourage new, competing programming, and cable operators also often refuse to carry all the local broadcast channels. Since viewers must disconnect cable to pick up those broadcast signals, this effectively sends smaller stations’ signals to Siberia.

Cable's approach to leased access likewise manifests a choice for control over diversity (Lampert, Cate, & Lloyd, 1991; U.S. Senate, 1990b). In theory, cable companies with more than 36 channels have to keep between 10% and 15% of their space open for any purchaser, according to section 612(b) of the 1984 act. But leased access is a virtual dead letter (Meyerson, 1990, p. 252-254), because the cable companies also get to set the price and terms of carriage and do not have to handle billing.

The large MSOs have also clipped the wings of distribution competitors, such as direct broadcast satellite and wireless cable. Competing services find that programmers, many partly owned by MSOs, refuse to sell to them (FCC, 1990a, Wireless Cable Association Comments, May 23, Alan Pearce and Stuart M. Whitaker, "Video Programming Availability and Consumer Choice," p. 7-14). MSOs have also purchased equity in potential competitors, thus placing them in a position to preempt competition.

Checking Cable's Power

Policy reform checking the cable industry's power could lay the groundwork for other uses of the service as a public space. It could increase individual access to the service at reasonable rates, and could increase the potential for a variety of sources on the service. One recent policy change—the FCC's stiffening of its "effective competition" rule (FCC, 1991)—may affect some consumer rates. Other reforms—some of them incorporated into congressional bills S. 12 and H.R. 1303—would face stiff challenges from a strong cable lobby and a White House opposed to sterner regulation.

Universal service issues could be addressed largely in the franchise process and by the creation of a "basic basic" tier, offered at the cost of installation and maintenance. This would include all local broadcast services (should a cabler accept any) and public services. Carrying all, if any, local broadcast stations is one well-argued solution to broadcast carriage (FCC, 1990a, Action for Children's Television Comments, March 1). A weaker version of this basic basic service was proposed in earlier legislation, and cable companies themselves have also established an even weaker basic basic service on many systems, apparently in an attempt to create a "throwaway" service for regulators (Burgi, 1990). Rates for commercial services beyond that tier can be addressed by establishing a rigorous, effective competition standard on the order of the recommendations of the Consumer Federation of America (FCC, 1990b, CFA Comments, February 14) and, as the FCC itself suggests, leaving enforcement and terms to the franchiser.

Cable's current tight control over information could be addressed in a variety of ways. One long-touted option, common carrier status—a frequent recommendation until the late 1970s (Parsons, 1987, pp. 131-134; Kalba et al., 1977)—seems "about as likely to get a second hearing as the Articles of Confederation" (Brenner, 1988, p. 329), given the current shape and clout of the industry. The 1984 act explicitly prohibits regulation of cable as a common carrier or public utility. But common carrier status continues to make as much sense as it did when it was recommended by policy analysts and scholars alike,

and would dramatically simplify regulation. It would be particularly appropriate should telephone companies enter the field (Winer, 1990), and would dramatically restructure regulatory options.

A modified, limited form of common carrier access—already legally ratified—is viable leased access. To trust to compression technologies to make the problem of commercial access go away is to repeat the technology-of-abundance fallacy. Viable leased access would provide an incentive to program producers in the commercial marketplace; a combination of tariff-setting and arbitration to resolve disputes would improve enforcement (Lampert et al., 1991, p. 20-21).

Restrictions on horizontal integration and, with greater difficulty, cross-ownership might also be a salutary return to regulatory techniques that check concentration of control over information. They would most likely have to be undertaken as part of an industry-wide policy reform.

These measures would create some common channels for public access to information, such as the full range of commercial broadcast and particularly public television. They could check the cost spiral that disenfranchises sectors of the population. They could spur programming entrepreneurs and create an entry point, in leased access, for programmers out of favor with the cable company.

Electronic Public Spaces

The commercial programming marketplace on cable is still hostage to the economic realities of programming and advertising, however. If electronic media policy is to fortify the public sphere, members of the public must be able to use this resource as a public space and in support of other public spaces. The success of this use of the medium would not be measured by commercial criteria but by its ability to promote relationships within its communities of reference, on issues of public concern. Ratings numbers should be less important than contributing to the never-ending process of constructing the public sphere.

One of many potential resources already exists: public, educational, and governmental (PEG) access channels. They exist thanks largely to grassroots activism resulting in local regulation, and a since-revoked 1972 FCC rule requiring access channels (Engelman, 1990). Such channels—especially public access—have long been portrayed as electronic soapboxes, where the goal is simple provision of a space in which to speak. The 1984 act continued this tradition, describing public access as:

... the video equivalent of the speaker's soap box or the electronic parallel to the printed leaflet. They provide groups and individuals who generally have not had access to the electronic media with the opportunity to become sources of information in the marketplace of ideas. (House report, cited in Meyerson, 1985, p. 569)

But what if everybody can speak but nobody cares? The real value of such ser-

vices has been and must be in helping to build social relationships within which such speech would be meaningful—constructing that “marketplace of ideas.” Such a service needs to be seen and used not as a pathetic, homemade version of entertainment, but as an arm of community self-structuring.

Public Access as a Public Space

Access programs often have been, in the words of one tired access director, “programmed to fail.” This is less remarkable than the fact that they exist at all. Only canny, ceaseless, locality-by-locality citizen activism wrested access centers and channels in the franchise process in the first place (Engelman, 1990), and all such victories are temporary. The 1984 act sabotaged some of those victories. It had capped localities’ franchise fees and required them to be unrestricted. It did not require access channels. Points of confusion in the law—particularly the definition of “service”—as well as restrictions on renewal procedures, among others, made it easy for cable operators to pay more attention to their bottom line and for franchisers to pay more attention to road paving than to cable access. (Meyerson, 1990; U.S. Senate, 1990a, pp. 453–490; Ingraham, 1990; Brenner, Price, & Meyerson, 1990, sec. 6.04[3][c], 6.04[4]).

Even under starvation conditions, access has carved out a significant role in the minority of communities where it exists. Currently only 16.5% of systems have public access; 12.9% have educational access, and 10.7% have governmental access (*Television and Cable Factbook*, 1990, p. C-384). An abundance of local programming is produced in some 2,000 centers—about 10,000 hours a week (Ingraham, 1990), far outstripping commercial production. The Home-town USA Video Festival, showcasing local origination and PEG channel production annually, in 1990 attracted 2,100 entries from 360 cities in 41 states.

These channels are often perceived to be valued community resources, using traditional measures. One multisite study shows that 47% of viewers watch community channels, a quarter of them at least three times in two weeks; 46% say it was “somewhat” to “very” important in deciding to subscribe to or remain with cable (Jamison, 1990). Another study, commissioned by Access Sacramento, showed that two-thirds of cable subscribers who knew about the channel watched it (Access Sacramento, 1991). Access centers provide resources and services typically valued at many times what they cost. Access Sacramento, for instance, estimates a community value of its equipment, training, and consultation at \$4.5 million, ten times its budget (Access Sacramento, 1990), an estimate corroborated by the experience of access cable in Nashville and Tucson.

But the most useful measure is not, and should not be, numbers of viewers or positive poll results, but the ability of access to make a difference in community life. Access cable should not function like American public television does. Public television offers a more substantial, thoughtful, challenging, or uplifting individual viewing experience than a commercial channel. Access needs to be a site for communication among and between members of the public as the public, about issues of public importance.

Beyond a basic technical level of quality, the entertainment value of such

programming comes far secondary to its value as a piece of a larger civic project, whether it is citizen input into actions the local city council is making, or discussions of school reform, or a labor union's donation of services to low-income residents, or the viewpoints of physically challenged people on issues affecting them. This is because viewers are not watching it as individual consumers, but as citizens who are responding to a controversy. In each case, the program—unlike a commercial broadcast or cable service—is not the end point, but only a means toward the continuing process of building community ties.

In small and incremental ways, the access cable channel acts as a public space, strengthening the public sphere. In Tampa, Florida, for instance, public access cable provided the primary informational vehicle for citizens concerned about a county tax that was inadequately justified. Major local media, whose directors shared the interest of politicians, had failed to raise accountability issues. The tax was defeated in a record voter turnout. Also in Tampa, the educational cable access system's airing of school board meetings has resulted in vastly increased public contact with school board members and a children's summer reading program in which libraries', schools', and the access center's work together has resulted in the committee members, officers of 13 different institutions, finding other common interests.¹

Access does not need to win popularity contests to play a useful role in the community. It is not surprising if people do not watch most of the time. (Indeed, given the treatment access gets by cable operators, it is a kind of miracle that viewers find the channel at all.) It is indicative of its peculiar function that people find the channel of unique value when they do use it. Different kinds of access are used for very different purposes. Government and educational channels may feature such programming as the city council meeting, the school board meeting, the local high school's basketball game, religious programming or rummage-sale announcements on a community billboard. Some colleges have sponsored oral history sessions that illuminate immigrant history (Agosta, Rogoff, & Norman, 1990; Nicholson, 1990).

Public access channels, run on a "first-come, first-served" basis, are responsible for much of access cable's negative image, and some of its most improbable successes. There is often a strong element of the personalist and quixotic in the programming. Public access channels are sometimes a source of scandal and legal controversy, as for instance when the Ku Klux Klan started circulating national programs for local viewing (Shapiro, 1990, pp. 409f; Brenner et al., 1990, sec. 604[7]). Less reported is that often the Klan programs spurred civil liberties and ethnic minorities organizations to use the access service for their own local needs, and these groups have continued to do so. Voluntary associa-

¹ Interviews with the following people between September 1990 and August 1991 informed the analysis of access cable: Andrew Blau, then communications-policy analyst, United Church of Christ Office of Communication, New York; Alan Bushong, executive director, Capital Community TV, Salem, OR; Gerry Field, executive director, Somerville Community Access Television, Somerville, MA; Ann Flynn, Tampa Educational Cable Consortium; Nicholas Miller, lawyer, Miller and Holbrooke, Washington, DC; Elliott Mitchell, ex-executive director, Nashville Community Access TV, TN; Randy Van Dalsen, Access Sacramento, CA.

tions—for instance, the Humane Society's adopt-a-pet program in Fayetteville, Arkansas—and a musical education series sponsored by the Los Angeles Jazz Society (Nicholson, 1990), also use public access. In some places—for instance, New York City, where Paper Tiger television regularly produces sharply critical programs on the media; or Austin, Texas, home of one of access cable's oldest talk shows—public access has become an established alternative voice in public affairs. Public access is host to viewpoints as diverse as those of leftist critics of the Gulf War (in Deep Dish TV's national series) and those of conservative Rep. Newt Gingrich (R-GA), who hosts half-hour shows produced by the Washington, DC-based American Citizens' Television (ACTV).

Thus access has a history of fulfilling a role of community service and has been recognized in law as performing a useful First Amendment function. Access cable could, in every locality, provide an unduplicated, local public forum for public issues.

Public Access under Assault

Since the 1984 act, however, access cable has been under relentless assault, both by cable companies and by cities under financial pressure to use nontargeted franchise fees (Ingraham, 1990). In municipalities such as Pittsburgh, Pennsylvania; Milwaukee, Wisconsin; and Portland, Oregon; cable companies immediately rescinded or renegotiated franchise terms regarding cable access, once the act went into effect.

Even when access was established or reestablished, the cost was significant. For instance, in Austin, Texas, the Time-owned company announced that it could not afford to meet its franchise obligations—especially its \$400,000-a-year funds for access television and the provision of eight channels—only two weeks after deregulation went into effect. It took 11 months of civic organizing and city council pressure, and some \$800,000, to restore the provisions.

In localities beset with fiscal crisis—a widespread problem, since in the 1980s many costs of government were shifted downward—revenues once designated to access have gone into general revenues. For instance, when Nashville found itself in a budget crisis in 1988, a program by a gay and lesbian alliance on public access triggered a city council debate. The cable company, a Viacom operator, supported city council members trying to rechannel access funds into general operating funds. The upshot was near-total defunding of the access center. In Eugene, Oregon; and Wyoming, Michigan; among others, municipalities have drastically cut or eliminated access budgets in favor of other city projects.

Cable policy in the public interest might well improve the dismal legal situation for access, as well as define clearly its role as a site where the public sphere can be strengthened. Policy could go further still, creating new mechanisms for use of the medium as an electronic public space. So far, legislative reform proposals have been virtually silent on access, much less on any as yet untested mechanisms to create new public spaces.

A percentage of channel capacity—in a fixed, low range of numbers—could be reserved for public use on all cable systems. Such reservation would guaran-

tee universal, local, and multiple access channels, and as well provide for non-traditional services as technology evolves. Access centers would also need to be funded adequately—for facilities, professional production assistance, local public production funds, and promotion—through the franchise and through annual franchise fees.²

Centers should universally have funding for professional staff, which would not mitigate access's value as a public space. There is no need to fetishize the amateur and the homemade; professional craftsmanship can improve the functioning of a public forum and enliven the public sphere as much as it can the realm of commerce. Professionals' tasks, however, would be as facilitators of communication rather than promoters of expression for its own sake.

National public cable channel capacity, with protected funds to avoid both censorship and the distortions of corporate underwriting, could further broaden the public forum. C-SPAN's admirable record, and that of a foundation-funded regional public affairs channel focusing on the state legislature, CAL-SPAN: The California Channel (Westen & Givens, 1989), might serve as prototypes for such an effort. The service would not, however, have to be limited to legislative or judicial issues. Nor would it be beholden to the whims of the cable industry, as C-SPAN is. This service would differ from public television—another valuable service—not only in its subject matter but in its primary mandate to respond to the moment, a flexibility public television does not exercise except in extremity.

Such national channel capacity would boldly raise the perennial problem of who should broker information and how, a problem that in itself could become another opportunity for civic organizing and creative rethinking of how television is and can be used. It too would, without doubt, require professional staff, with rules and structures guiding their work. For instance, users might have to meet a minimum standard of organization; public interests least likely to be served in the commercial marketplace might be prioritized. Arenas of concern such as educational and health policy, multicultural questions, environmental and workplace issues, and the arenas of public discourse themselves (e.g., events of public interest groups) could be the basis for ongoing electronic workshops.

Another resource for such a reinvigorated public interest could be a national video production fund, with its products available for distribution through all televisual vehicles, including cable, broadcast television, and videocassette. Such a fund could be paid for in a variety of ways, such as spectrum fees; revenues from profits from sales of broadcast stations and cable systems; and charges on videocassettes, VCRs, and satellite dishes. Its goal too, would be to promote citizen organizing. Some of the early projects of Britain's Channel 4, particularly in workshops and special programming sections, could provide useful models.

² Corrective proposals to the 1984 act's haziness, lacunae, and crippling clauses on access, such as those proposed by Meyerson (1990), the NFLCP (Ingraham, 1990), The United Church of Christ Office of Communication (FCC 1990a, UCCOC et al. Reply Comments, p. 7) and Miller (1988) bear consideration to clear the legislative underbrush.

Public Access, Policy, and Practicality

But would protection for access channels and other public spaces even survive the cable companies' claim to First Amendment priority? It is true that in the 1980s, many, but not all, courts have supported operators' First Amendment rights over cable access (Shapiro, 1990). And commercial media lay a legitimate claim to First Amendment rights, one recognized extensively in law since the mid-1970s (Robinowitz, 1990, p. 313, fn. 29). However, First Amendment rights are not absolute, nor the special preserve of economic as opposed to public interests; and there is powerful precedent for the democratic state structurally promoting the public's right to speak (Holmes, 1990, p. 55). In many of their aspects, cable operators are not speakers or even editors (Brenner, 1988, p. 329f). Policy mandating access centers certainly would not abridge "expression that the First Amendment was meant to protect" (*First National Bank of Boston v. Bellotti*, 1978); it would foster the opposite, and furthermore withstand constitutional scrutiny (Meyerson, 1981, pp. 33-59). Congress has also found that leased and PEG access regulation meet First Amendment and constitutional standards (U.S. Senate 1990b, p. 46; U.S. House of Representatives, 1990, p. 35).

Is it reasonable to assume that people want to "make their own media," when the record shows so decisively that people prefer to pay someone to make it for them? No, and that argument is not made here. For entertainment, most people do and will choose high-quality products paid for mostly by their purchase of advertisers' products. Indeed, that is why it is important not to abandon that arena to the iron grip of a few MSOs. But people using cable as a public space are using it to communicate with others about particular issues and projects of public interest. Whatever the level of their involvement, they perceive it and use it—as producers, viewers, or organizers of viewers—not as a consumer experience but as a participatory step in a relationship that is not, typically, either electronic or commercial.

Why should we assume a demand for something that's been around so long to so little effect? This question builds on the negative image of access cable, which like all stereotypes has an origin in some kind of truth. A variety of answers, substantiated above, address different facets of that negative image. One is that some programming, primarily in public access, has indeed been trivial, self-indulgent, and derivative, and that those uses often reflect an interpretation of access that sees the First Amendment as an end rather than a means to democratic vitality. More important is access's gross underfunding, its abandonment by legislators and regulators, and the unrelenting attacks by cablers and cities on centers. In that light, it is much more shocking that access centers survive anywhere. It is particularly impressive that access channels have been able to do as much as they have with so little professional staff. Finally, access—lacking a national substructure as public television did until 1967—is still in its pre-history.

But can we afford to have such ambitious programs? One answer is to ask if we can afford not to. Less rhetorically, this is a question that needs as yet

ungathered data. Cable and other mass media interests would probably make a substantial contribution to the costs. Operators have powerful arguments against any of these proposals, and they all hinge on inability to afford them—an argument unprovable without accounting evidence. So telecommunications media, especially cable MSOs and broadcast stations, should open their books for the public record.

Finally, are access and other mechanisms to promote the use of the medium as a public space cost effective? This is a wildly speculative area of economics, because it deals with externalities such as the health of a democratic polity. In the absence of social cost-benefit studies—an area begging for more economic research—one can make some basic points. The technological level of equipment and expertise needed to do so is comparatively low; the price of even a lavish subsidy cannot compare to even a small road-paving job; and the benefits are widespread and incremental. Television, and increasingly cable television, has a central role in American consumer habits, and has unique capacities to transmit complex, multisensory messages. Why should that capacity be used exclusively to sell things and not for civic projects?

The performance of cable television since 1984 thus exposes larger issues in public interest telecommunications policy. One of the goals of such policy should be creating vehicles for activity within the public sphere, where citizens can be more than consumers of media.

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Dress for success. Louise Boyka, next to model, hosts her own twice-weekly cable-TV fashion show in Schenectady, N.Y.

To watch is O.K., but to air is divine

TELEVISION ■ 'Public access' can give ordinary people their own hit shows

Zipping through the cable channels with his remote control one evening last year, E. L. Britton saw the woman he would marry. Elleen Baldwin, an outgoing 44-year-old saleswoman, was chatting animatedly on "Singles on Parade," a popular call-in talk show that each week plays matchmaker for single adults in the Portland, Oreg., area. Hosted by a Red Cross secretary, the show is one of hundreds of amateur television productions that appear regularly on nonprofit cable channels throughout the country as part of a mandate from local governments to make television accessible to the public. "I had never seen the show before, but I liked Elleen right away and kept watching," says Britton, a 50-year-old production supervisor at a Reynolds Aluminum plant. He called a phone number listed at the end of the show and arranged a meeting with Baldwin. After several long conversations over coffee, the two dated for 10 months and were married last May. The new Mrs. Britton, having found herself a husband through public-access television, is now thinking of starting a cable talk

THE PEOPLE'S CHOICES



If Nielsen ratings existed for cable TV's community-access channels, they would be about twice as high for programs that

eavesdrop on local-government deliberations as they are for religious programs, even though there is more religious programming, according to recent surveys in some 30 cable markets.

This percentage of subscribers watches these community-access programs

38.8%	Government meetings
37.2%	Arts and entertainment
36.3%	Educational programs
34.8%	Sports
30.9%	Health-and-wellness programs
25.5%	Politics and public affairs
17.9%	Religious programs
17.8%	Children's programs

Note: Viewers were not asked how long they watched these programs.

USNWR—Basic data: The National Clearinghouse for Community Cable Viewership Research, Western Michigan University

show of her own. "Getting involved in TV is a lot more exciting than just watching it," she says.

That, too, is the collective view of the thousands of unpaid TV enthusiasts who produce some 10,000 hours of amateur programs each week that run on more than 1,200 cable systems. Funding for these programs comes not from the home-grown producers but usually from fees collected by municipalities from cable companies in exchange for their exclusive franchises.

Better ratings. Once largely regarded as a curiosity by viewers and a nuisance by cable operators, public-access programming has become a hit. In Massachusetts, the number of public-access channels has doubled in the past two years. The Tucson Community Cable Corporation in Arizona is airing twice as many original hours of citizen-produced programming this year as it did in 1986. And viewers are tuning in. In dozens of local surveys, 25 percent of all cable subscribers said they had watched at least one cable-access program within two weeks of the poll. Political debates and live call-

in shows often draw more viewers than such commercial-cable offerings as Home Box Office and the Disney Channel.

Yet public access is designed less to be seen than experienced. It is bottom-up, participatory television. At its best, community television provides an electronic soapbox for individuals who otherwise would never be seen. At times self-indulgent and often numbingly dull, these programs can innovate, inform, even entertain. Consider these examples:

■ In Massachusetts, Patti Wilson, founder of the Deaf Media Collaborative in Somerville, last year produced a 2-hour international teleconference on deafness-related issues with help from

offered to would-be do-it-yourself producers. The fee is usually nominal. Once trained, citizens can borrow cameras and use editing gear on a first-come, first-served basis.

Local governments have the final say in determining how much is spent on community television, so programming facilities can vary greatly. The Minneapolis Television Network, whose five cable channels include three for public access, has 20 portable cameras and eight editing booths available for citizen producers. The Miami Valley Cable Council, which operates public access for nine suburban communities of Dayton, Ohio, is about to move into a new \$839,000 building that

cess provisions simply because no one has demanded it," says Bushong.

Once you have reviewed the franchise agreement, you can talk knowledgeably with local cable officials about your interest in getting training to produce community programming. Many cable operators will consider offering training to forestall citizen protests when their franchises come up for renewal.

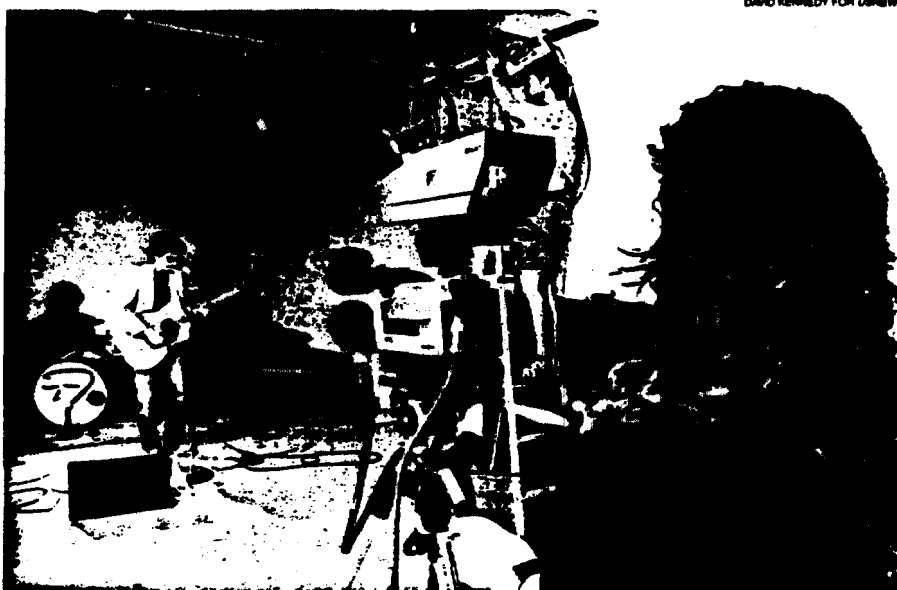
Temper, temper. To support grass-roots efforts for community TV, public-access operators have created the National Federation of Local Cable Programmers. The group publishes a number of guides and directories, including "The Cable Access Advocacy Handbook," which encourages individuals to build a coalition before throwing a temper tantrum at city hall. (For a list of publications, write NFLCP, P.O. Box 27290, Washington, D.C. 20038-7290.)

Those lucky enough to have available TV facilities could find television production more rigorous than they thought. In many public-access programs, fewer than half the people who complete video-training courses work on public access beyond their first year. "A lot of people quickly find out they just don't have the time," says Ron Cooper, director of training and operations for the Sacramento Community Cable Foundation in California. "Planning a program, shooting it, then editing it can take weeks of effort."

Many novice producers are also disappointed because they cannot immediately parlay their skills into the glamour and money of big-time TV. "We're not teaching anyone to be a video professional," says Jo Smith, who runs what she calls video boot camp, a 15-hour course in camera work and editing for the nonprofit Tucson Community Cable Corporation. "People shouldn't be confused into thinking they can earn a living with these video skills."

Talented novices do occasionally step into the big time. Eighteen months ago, Joey Cox, a truck mechanic in Charlotte, N.C., answered a request in his church bulletin for volunteers to help produce a Spanish-language outreach program for public access. Cox took free classes in photography and editing, worked on the church program and moved on to shooting local high-school sporting events for the public-access channel. His varied year of experience recently led to a job as weekend cameraman for the NBC affiliate in Charlotte. "For years I dreamed of working as a cameraman," says Cox, "but whenever I approached the stations, they told me I didn't have the training or experience. Public access turned that around for me."

by Michael Kiernan



Music man. Musical and religious programs dominate public access. Texas folk singer Charlie Caldwell performs on "Lost in Austin," a live, 2-hour show

Somerville Community Access Television. Her program, aimed primarily at hearing-impaired viewers, was simultaneously signed, and reached 15 cities.

■ In Gresham, Oreg., Don Dapp, a construction laborer with a B.A. in filmmaking, is editing his fourth original 30-minute teleplay, a "funny horror movie" called "The Strange Case of Citizen Brain." All three of Dapp's previous efforts, which he painstakingly produced over many months with help from public-access stations, were greeted with laughter and top prizes at regional video festivals.

■ In Houston, hundreds of Vietnamese families tune in to public-access each Sunday evening to see the only TV program available in their native language.

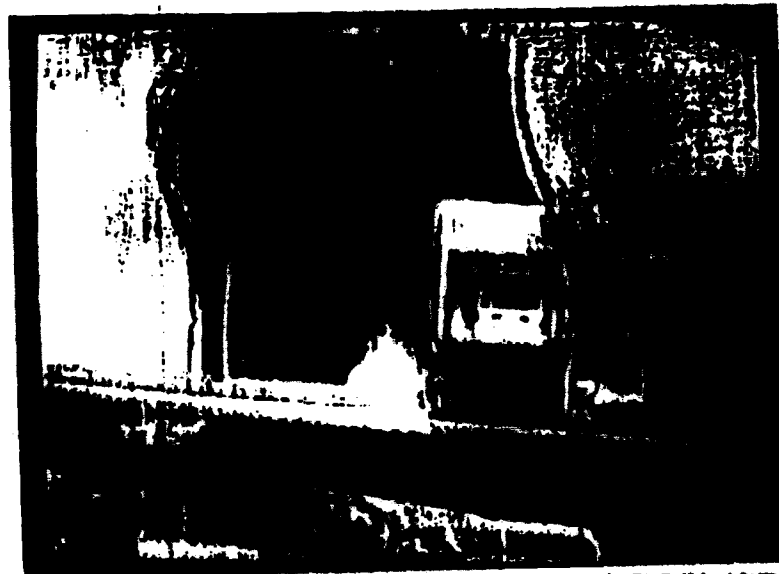
Nowhere else in the world do average citizens have such access to the most powerful media tool of the 20th century. Ordinary people in hundreds of U.S. cities need only call their local cable operator to enroll in video-production courses

offers twice the space the council used for productions in a former high school. While some two-dozen localities spend \$500,000 or more on public access, thousands of cable operations merely list a computer-generated bulletin board of community events on a single channel.

Determining the local status of public access only takes clicking through the channels of your cable-TV system. Separate channels devoted to government, education and the community usually indicate an active community-access operation. Those who find just a bulletin-board-type list may want to demand more, says Alan Bushong, a public-access advocate and executive director of Austin Community Television in Texas. The first step in bolstering public-access programming, he says, is to examine the cable-franchise agreement negotiated by the local municipality. A copy should be readily available from government officials. "Sometimes you'll find a cable operator failing to comply with public-ac-

TV VIEW Douglas Davis

Public-Access TV Is Heard in the Land



At left, a scene from Cast Iron TV's "Invisible Workers," a film by and about self-employed women in India. A Cuban boy snaps photos of street life in Havana in Deep Dish TV's "Flash! Flash!"

MANY NEW YORKERS CONFUSE their adventurous public-access cable television with the garish sights and sounds that surround those channels. As viewers zap through the spectrum, they are likely to be stunned most any night by a full-breasted male or female stripper on Channel J, the commercially leased channel, or assailed by a full-throated Mayor or Comptroller haranguing the citizenry on Channel L, the city government's municipal-access window.

But out beyond J and L, lie Channel C and D, those rarely patronized citadels of electronic democracy. Rather than strippers and politicians, C and D offer on shoestring budgets high-minded seminars on topics ranging from urban decay to sexist mythology, video-art experiments featuring frisky computerized graphics and earnest documentary studies of often neglected subjects — like the plight of the disinfranchised or the perils of hibiscus mold.

And elsewhere in the United States community-access TV, as it is increasingly known, is growing at a rapid pace. Throughout the 80's, electronic free speech has flourished at precisely the moment when mainstream viewers have begun to desert prime-time network television for a plethora of viewing alternatives.

After a halting beginning more than a decade ago (Manhattan C and D, negotiated by the city in 1970, were among the earliest ave-

nues of the genre) the cable soapbox is now vital part of almost 2,000 CATV systems across the United States. Each week, these channels produce thousands of hours of original programming. Although wildly varied in choice of subject and production quality, this video tidal wave unquestionably shakes the fragile notion that television's limits are defined by the glossy commercial network. There are spokesmen for the homeless seen on these channels, salsa festivals, gays and lesbians giving safe-sex advice, radical Marxists and fundamentalist Christian political candidates holding forth,

homeopaths hawking herbal concoctions, community news programs and even — on occasion — museum curators walking the viewer through current exhibitions.

As fledgling producers have increased in number in virtually every large community beyond Manhattan, they have demanded professional training and facilities from cable operators and public officials — and got both. In affluent, upscale communities like Montgomery County, Md., near Washington, and Austin, Tex. (the state capital), access budgets based on a tiny percentage of subscriber fees are substantial, running into the millions of dollars.

In Montgomery County, citizens can command, after brief training sessions, a highly professional production facility, including equipment that produces dazzling electronic effects, a satellite dish to "pull down" distant signals and mobile trucks for live remote reporting. When last fall a local resident decided to pull down the NASA signal during the launching of the space shuttle, he was given all the time he needed — via the dish — to cablecast every last mi-

ute of the coverage for 86 consecutive hours. In Austin, Doug Kellner and Frank Morrow, who teach at the University of Texas, produce a lively series of political commentary, "Alternative Views," that regularly denounces U. S. Government policy.

No one knows for sure how many viewers watch access channels in America, mainly because professional polling is prohibitively expensive. But the consensus is that the audience is expanding. In both Austin and Montgomery County, nearby universities have conducted limited but meticulous surveys that reveal a committed, desirable body of viewers, who boast high incomes, education levels and voting records and who watch access at least once per week. What this means is not only that access viewing has become habitual, at least in those places where it is adequately underwritten and energetically promoted. It also means that the ragtag "amateurs" are moving into the mainstream.

In the beginning, the notion that cities and counties should insist on opening up cable programming to producers beyond the rou-

rol of the owners seemed heretical. Its lone proponent at first was George Stoney, director of New York University's Alternate Media Center. Mr. Stoney argued that "public" franchises granting monopoly control over dozens of TV channels to a single owner breeds upon the citizen's First Amendment rights to speak on the decisive medium of our time.

■ Though many mayors and county officials came to agree with Mr. Stoney and demanded access on several levels, including leased, municipal and education channels, the owners often resisted, despite the very contract they had signed. Typically, as in Manhattan, the company simply let back and refused to encourage the use of its "open" first-come, first-served channels. Here and there, cable owners have unsuccessfully challenged Mr. Stoney's First Amendment thesis in the courts, claiming that they, too, are denied freedom of speech when the Government forces them to cablecast anybody, even the Ku Klux Klan.

By the choicest of double ironies, the Klan may force a Supreme Court decision on this heated issue — at the very moment when the cable managers seem to be softening their opposition to access. In Kansas City last fall, the City Council closed down its access channels rather than permit the Klan to continue airing its virulent discussion series, "Race and Reason."

With many questions, both the American Civil Liberties Union and the access community — through its National Federation of Local Cable Programmers — have sided with the Klan and sued the city. Yet, late last

**After a halting
beginning more than a
decade ago, today's
electronic soapbox is
a vital part of almost
2,000 cable systems.**

month, while the title was joined in Kansas City, the chairman's president, Sharon Ingraham, addressed the annual convention of the once-dreaded CATV owners, the National Cable Television Association. Ms. Ingraham courted the association by reminding the owners how effectively access promotes community involvement with its medium — and provides them with vital programming not likely to be duplicated by the networks.

Surely this is why access TV will survive, whatever the Supreme Court decides. Even Manhattan's lean, underfinanced channels C and D offer, at their best, programming that is thoroughly unique. In access TV, the pretense to objectivity is often completely missing and the producers are unexpected. When "Cast Iron TV," a loose alliance of video artists and documentary film makers, recently launched a new series of programs on Channel D, they led off with "Invisible Workers," a vivid hour-long documentary on self-employed women in India, produced by the women themselves.

As a small hand-held camera zoomed in on the worn, beautiful faces of the Indian women, the voices behind the lens revealed the motives to be identical with the voices replying to the questions — a perfect, moving symbiosis.

Last month on Channel C, "Deep Dish TV," a cooperative of access producers committed to transmitting programs via satellite to a national audience, presented "Good Things Come From Small Packages," a 30-minute anthology of video produced by and for children. At its center was "Flash! Flash!" an extraordinary vignette about street life in

Continued on Page 36

Public-Access TV's Potential

Continued From Page 31

Havana, produced by the Radio and Television Institute in Cuba. But the central attraction was an inventive 6-year-old Cuban boy. As he moved through the city, snapping pictures with his camera, the youngster held the lens of his photographic camera up to the video lens, permitting the viewer to see what he saw — and then photographed — with the framed, still image edited into the moving tape, flash after flash.

■
In their passion, intimacy and vivacity, "Invisible Workers" and "Flash! Flash!" (both of which will be re-broadcast during the summer) stretch our rigid notion of what television can be, or do.

• The issue of what public-access TV can be is particularly critical in Manhattan, one of the most visible television markets and one of those least well served by public-access TV. Few citizens in New York City even realize they can command free, essentially uncensored broadcast time on C or D by right of the city's contract with Time-Life Inc., the owner of Manhattan's two cable systems (Manhattan Cable south of 86th Street, Paragon to the north). Rarely do either Manhattan, Paragon or the impoverished access producers — who include feminists, preachers, artists, media phans and zealots for every con-

ceivable cause — advertise, promote or list the content of specific programs. Indeed, the curious or committed access viewer at present must depend upon a chance flick of the dial. Nestled in the heart of the country's most sophisticated audience, access television languishes, like a child starving amid plenty.

Manhattan's facilities for access production will undoubtedly improve. In recent negotiations with cable franchisers for the outer boroughs, the city has obtained services far superior to those it got in 1970. The active, well-equipped and managed Staten Island Community Access Complex — whose channels are filled with diverse programs created by new local producers — is, in fact, a glowing model for what Manhattan ought to be, after its two franchises are renegotiated next year.

■
But conviction and commitment are more decisive than mere upgrading of the equipment. Manhattan is already blessed with a polished City University access channel, "A" on the cable dial (14 in UHF); it is managed by the highly professional city-owned member station of the Public Broadcasting Service, WNYC.

Yet, only a tiny percentage of those who teach or study at City University, Hunter, Queens College, Brooklyn College and beyond make any use at

all of the free air. The energetic Channel L Working Group — which tries to lure community producers into the system — offers "350,000 viewers" in its brochure. There's hardly a single university lecture series that does not belong on access, expanding both its audience and the range of the medium itself. By abdicating this chance, the intellectual community of Manhattan — as well as of any other American city — consigns television to precisely that lower state it claims to disdain. □

Douglas Davis, an artist and critic, writes frequently about the arts, design and the media.

ANDREWS OFFICE PRODUCTS CAPITOL HEIGHTS, MD (K)

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7. SUMMARY



two

Warner Amex, which has set the standard in cable technology for the past several years, offers Milwaukee a cable communications system that sets new standards for the industry.

Warner Amex Cable Communications Company of Milwaukee proposes to build and operate a cable system that is distinguished by these features:

- An unprecedented basic service of 72 channels consisting of the entire spectrum of current cable programming—the most comprehensive basic service ever offered—at a cost of only \$4.95 monthly.
- The first large-scale, fully operational use of fiber optics in a cable system, as part of a unique Institutional Network that will serve Milwaukee's public and commercial institutions with virtually unlimited capacity.
- The opportunity for every basic subscriber to enter the world of QUBE, the Warner Amex interactive cable service that brings into the home the most advanced communications services possible.
- The introduction of QUBE Text Services with a capacity of over 1,200 text channels featuring information retrieval with access to more than 200 national data bases and local Milwaukee information data bases, plus a full range of transactional services, including shop at home, bank at home, video games, educational services and electronic mail.

- The only home security system developed, owned and operated by a cable company in the United States, and the only such system with a fail-safe redundant back-up capability.
- A universal service, at no monthly cost, offering Warner Amex's premiere local origination channel, "Discover Milwaukee," and the option to purchase a premium movie channel as well as the Warner Amex home security system.
- A commitment to quality local programming and to access facilities and programming that will be community controlled and operated, with guaranteed funding support throughout the life of the franchise.
- A job training center in Milwaukee to train and guarantee employment in all aspects of cable operations for minorities and the underemployed.

These features—and many more—add up to the most advanced cable communications system offered anywhere in the world... designed and developed by the only cable company in the industry with years of operating experience in interactive cable systems.

Owned jointly by two of America's most distinguished public companies—Warner Communications Inc. and American Express Company, Warner Amex has been

One of Milwaukee's earliest communication systems was introduced in 1877. An expensive, local service, the telephone initially served a mere 15 Milwaukeeans. More than 100 years later, Warner Amex proposes to "wire" the City again with a cable communications system that every Milwaukee citizen can afford.

three

operating interactive cable services since 1977 and is currently operating or constructing such systems in Columbus, Cincinnati, Pittsburgh, Houston, Dallas and the suburban St. Louis area.

In Milwaukee, Warner Amex has joined hands with a local company, Milwaukee Cable Communications Company, in a joint venture that adds a special dimension to this proposal—genuine local ownership and involvement by a group of local citizens with lifelong dedication to the Milwaukee community, and a commitment to continue their involvement throughout the life of the franchise to ensure continuing sensitivity to Milwaukee's local cable communications needs.

The cable system described in the following pages is the work of this joint venture—combining the management and technological skills of a national cable company with an understanding of local needs by Milwaukee citizens.

